**CITY OF PENDLETON**

**ADMINISTRATIVE RULE NO. 21**

Adopted 4/21/15

**DISCRIMINATION BECAUSE OF RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, AGE, DISABILITY, MARITAL STATUS, NATIONAL ORIGIN, OR ANY OTHER CLASS PROTECTED BY LAW.**

**[I. Declaration of Policy.](http://www.qcode.us/codes/springfield/view.php?topic=5-unlawful_discrimination_because_of_race_-5_550&frames=on)**

Discrimination against individuals or groups by reason of their race, color, religion, sex, sexual orientation, age, marital status, disability, or national origin is a matter of concern for the City. The City declares it to be the public policy of the city that discrimination in employment, housing, and public transportation because of race, color, religion, sex, sexual orientation, age, marital status, familial status, disability, or national origin not only deprives Pendleton inhabitants of their rights, but also undermines the institutions and foundations of a free democratic society and threatens the peace, good order, health, safety and general welfare of the community.

It is further declared to be the public policy of the City to foster equal opportunity for all to obtain employment, housing, public accommodations, and public transportation without regard to race, color, religion, sex, sexual orientation, age, marital status, familial status, disability, or national origin and strictly in accord with their individual merits as human beings, and in accordance with Titles VI and VII of the Civil Rights Act of 1964, and Title VIII of the federal Fair Housing Amendments Act of 1988.

[**II. Employment Practices.**](http://www.qcode.us/codes/springfield/view.php?topic=5-unlawful_discrimination_because_of_race_-5_554&frames=on)

The City of Pendleton is an equal opportunity employer. See the City’s Employee Handbook for a full recitation of the non-discrimination policy and reporting procedures.

It shall be a prohibited employment practice:

1. To discriminate against any individual with respect to hiring, dismissal, tenure, promotion, wages, bonus or other terms and conditions of employment because of a person’s race, color, religion, sex, sexual orientation, age, marital status, familial status, disability, or national origin.
2. To advertise for employment or membership indicating any preference, limitation, specification or discrimination based upon race, color, religion, sex, sexual orientation, age, marital status, familial status, disability, or national origin.
3. To deny to or withhold from any individual because of race, color, religion, sex, sexual orientation, age, marital status, familial status, disability, or national origin the right to be admitted to or participate in a guidance program, an apprenticeship training program, an on-the-job training program, or other occupational training, or retaining program.

It shall not be a prohibited employment practice:

1. To make inquiry concerning, or make a record of a person’s race, color, religion, marital status, sexual orientation, familial status, national origin where required to comply with federal reporting requirements (such as I-9 and EEO4 reporting); or to obtain benefits (such as establishing marital/familial status to obtain health insurance coverage for a spouse or child);
2. To undertake any practice contrary to the provisions above if the practice involves discrimination on the basis of sex in those certain instances where sex is a good faith occupational qualification reasonably necessary to the normal operation of the particular enterprise or program.
3. To not engage in an affirmative action program on account of an imbalance in work force due to past discrimination.

[**III. Housing Practices.**](http://www.qcode.us/codes/springfield/view.php?topic=5-unlawful_discrimination_because_of_race_-5_558&frames=on)

Discrimination in the sale, rental, lease, advertising of sale, rental or lease, financing of housing or land to be used for construction of housing, or in the provision of brokerage, rental services because of race, color, sex, disability (physical or mental), familial status (children) or national origin is prohibited by Title VIII of the federal Fair Housing Amendments Act of 1988. It shall be the policy of the City to:

1. Support the Fair Housing Amendments Act of 1988 and to implement a Fair Housing Program to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, disability (physical and mental), familial status (children) or national origin.
2. Within the resources available to the City, assist all persons in the process of filing a complaint with the Oregon Civil Rights Division or the U.S. Department of Housing and Urban Development, Seattle Regional Office Compliance Division who feel they have been discriminated against because of race, color, religion, sex, disability (physical and mental), familial status (children) or national origin, that they may seek equity under federal and state laws.

[**IV. Public Transportation.**](http://www.qcode.us/codes/springfield/view.php?topic=5-unlawful_discrimination_because_of_race_-5_564&frames=on)

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color and national origin in programs and activities receiving Federal financial assistance. The City of Pendleton is committed to ensuring that no person is excluded from participation in, or denied the benefits of its programs and services on the basis of race, color, sex, or national origin, as protected by the Title VI in Federal Transit Administration (FTA) Circular 4072.1B.

In order to comply with 49 CFR Section 21.9(b), the City has developed procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public upon request. See Section VI. below.

1. Limited English Proficiency Plan The City is committed to breaking down language barriers by implementing consistent standards of language assistance across its service areas. The United States is home to millions of national origin minority individuals with Limited English Proficiency. That is, their primary language is not English and they cannot speak, read, write or understand the English language at a level that permits them to interact effectively with recipients of Federal financial assistance.
	1. To avoid exclusions from programs or activities, or delays or denials of service due to language barriers, persons with Limited English Proficiency may be entitled to language assistance with respect to a particular type of service. The City will take reasonable steps to ensure that Limited English Proficiency persons have meaningful access to the programs, services and information provided.
	2. The City’s jurisdiction covers Umatilla County Oregon, which is largely English speaking. The vast majority of the individuals wishing to ride transit, transit agencies, and employers in the region are proficient in English. According to American Community Survey 2009-2013, 97.8% of the City’s population age five and up speak English only, while 2.2% speak another language. The City utilizes translation service from certified language interpreters to provide translation services or produce publications for distribution in an alternate language.
2. Notice & Inclusion Community Outreach is a requirement of Title VI. The City shall seek out and consider the viewpoints of minority and low-income populations in the course of conducting public outreach. The City also follows public notification regulations as required by law and engages the public in its planning and decision-making.
	1. The City provides materials relevant to federally funded programs, such as outreach materials and policy documents, the Title VI and Anti-Discrimination policies in particular, on the City’s website. Alternate formats are available upon request. The website includes the discrimination complaint form and the following policy statement:

**Anti-Discrimination Statement:** City of Pendleton is an affirmative-action, equal-opportunity employer. Public Transportation services are available to all without regard to race, color, national origin, gender, gender identity, religion, age, heights, weight, disability, political beliefs, sexual orientation, material status, family status or veteran status.

**Declaración contra la Discriminación:** La Ciudad de Pendleton es una acción afirmativa, empleador que ofrece igualdad de oportunidades. Los servicios de transporte público están disponibles para todos sin distinción de raza, color, origen nacional, género, identidad de género, religión, edad, altura, peso, discapacidad, creencias políticas, orientación sexual, estado de matrimonio, estado familiar o si es veterano de guerra.

[**V. Engaging in Retaliation.**](http://www.qcode.us/codes/springfield/view.php?topic=5-unlawful_discrimination_because_of_race_-5_564&frames=on)

It shall be a prohibited practice to penalize or discriminate in any manner or to engage in a reprisal or retaliation against any person because that person in good faith has opposed any practice declared to be prohibited by this policy, or has filed a complaint, testified, assisted or participated in any manner in any investigation, proceedings, or hearing under this policy.

It shall also be a prohibited practice for any person to aid, abet, incite, compel, or coerce the doing of any act declared prohibited by this rule.

[**VI. Administration and Enforcement.**](http://www.qcode.us/codes/springfield/view.php?topic=5-unlawful_discrimination_because_of_race_-5_570&frames=on)

The provisions of this policy shall be administered and enforced using the following procedures. Any individual claiming to be the object of discrimination under this rule, may make, sign and file with the Human Resources Manager or the City Manager a verified complaint (see attachment A).

1. Filing Complaint Complainants, or their representative, may file a written complaint with the Human Resources Manager within one hundred and eighty (180) days from the date of the alleged discriminatory act. The complaint shall include the following information:
	1. Name, mailing address, and contact information (i.e., telephone number, email address, etc.) of complainant or representative.
	2. Details including: when, where, why and how the discrimination occurred. Include the location, names and contact information for any witnesses.
	3. Any other information deemed significant to the complainant.

A complaint form is available at City Hall or [www.pendleton.or.us](http://www.pendleton.or.us), which may be completed for this purpose. The complaint must be submitted to the following address:

City of Pendleton

500 SW Dorion Ave.

Pendleton, OR 97801

By phone: 541-966-0201

By fax: 541-966-0352

1. Investigation Process All complaints alleging discrimination in a service or benefit provided by the City will be promptly addressed by the City. Any City staff person taking a complaint shall forward it to the Human Resource Manager who will investigate the complaint and make a determination. The City Manager will have final approval. The investigation of the complaint will be confidential and will include, but is not limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses.
	1. The City shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Additionally, the City shall make every effort to address all complaints in an expeditious and thorough manner.
	2. In instances where additional information is needed for investigation of the complaint, the City will contact the complainant in writing. A complainant’s failure to provide the requested information may result in the administrative closure of the complaint.
	3. Once sufficient information for investigating the complaint is received, a written response will be drafted, subject to review by the organization’s legal representative. If appropriate, the City’s legal council may administratively close the complaint. In that case, the City will notify the complainant of the action as soon as possible.
2. Response The City will send a final written response to the complainant and advise them of the City’s decision, which shall include one of the following:
	1. **Sustained** – If the complaint is substantiated and a probable cause of a discriminatory practice based on race, color, or national origin is found to exist, the City shall endeavor to eliminate said practice by means of a Remedial Action Plan. The Remedial Plan shall include a list of all corrective actions accepted by the agency, a description of how the corrective action will be implemented, and an assurance that the agency will implement the accepted corrective action in the manner discussed in the plan.
	2. **Not Sustained**– If there is insufficient evidence to either prove or disprove the allegation(s), both parties to the complaint will be informed of the reason(s) for this disposition.
	3. **Unfounded**– If it is determined that an act reported pursuant to this policy/ procedure did not in fact occur, a finding of unfounded shall be made.
	4. **Exonerated**– If it is determined that an act reported pursuant to this policy/procedure did in fact occur, but was lawful and proper within the guidelines established herein, a finding of exonerated shall be made.
3. Appeal The City’s response to the complainant shall advise them of the right to appeal the decision.
	1. An appeal request for review of determination of denial of access or accommodation to services must be filed, in writing, within 60 calendar days of the notice of decision. The written appeal must include the appellant’s name, address, and telephone contact number, and a statement of the reason(s) why the appellant believes the decision is incorrect. The City Manager will set a mutually agreed-upon time and place for the review process with the applicant and/or representatives within 30 days of the request. The appellant may submit documents or other information to be included with the record and considered in the review process. Anyone needing special accommodations may contact the City at 541-966-0201 for assistance.
	2. The right of the appellant to a prompt and equitable resolution of their complaint must not be impaired by the appellant’s pursuit of other remedies, such as filing of a complaint with the Department of Justice or other appropriate federal agency or the filing of a suit in state or federal court. Use of this procedure is not a prerequisite to the pursuit of other remedies.
	3. In addition to the complaint process described above, a complainant may file a Title VI complaint or lawsuit with the following:

Federal Transit Administration Office of Civil Rights

Attention: Title VI Program Coordinator

1200 New Jersey Ave., SE

Washington, DC 20590

ODOT Office of Civil Rights, MS 31
355 Capitol Street NE
Salem, OR 97301-3871

U.S. Department of Justice

Civil Rights Division

Coordination and Review

Section – NWB

950 Pennsylvania Ave, NW

Washington, DC 20530

1. Record Keeping In order to comply with 49 CFT Section 21.9(b), the City will prepare and maintain a list of any active investigations or complaints naming the City that allege discrimination on the basis of race, color, or national origin. This list includes the date of the investigation, lawsuit or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit or complaint; and actions taken by the recipient in response to the investigation, lawsuit or complaint. The City Recorder maintains these files in accordance with state and federal record retention requirements. Such information will be available to ODOT as the grantor of the funds upon request.

Robb Corbett 4/21/15

City Manager Date

City of Pendleton Attachment A

DISCRIMINATION COMPLAINT FORM

Use this form to file Title VI Complaint(s) with the City of Pendleton

|  |
| --- |
| **SECTION I** |
| Name: |
| Address: |
| Telephone (Home): | Telephone (Work/Cell): |
| E-Mail Address:  |
| Accessible Format Requirements-- | Large Print |  | Audio Tape |  |
| TDD |  | Other |  |
| **SECTION II** |
| Are you filing this complaint on your own behalf? | [ ] Yes**\*** | [ ] No |
| **\***If you answered “yes” to this question, go to Section III |
| If your answer was “no”, please supply the name and relationship of the person for whom you are complaining: |  |
| Please explain why you have filed for a third party. |
| Please confirm you have obtained the permission of the aggrieved party if you are filing on behalf of a third party. | [ ] Yes | [ ] No |
| **SECTION III** |
| I believe the discrimination was based on (check all that apply):[ ]  Race [ ]  Color [ ]  Gender [ ]  National Origin [ ]  Other (specify)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date of Alleged Discrimination (Month, Day, Year) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use additional paper.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **SECTION IV** |  |  |  |  |
| Have you previously filed a discrimination complaint with this agency? | [ ] Yes | [ ] No |
| Have you filed this complaint with Federal, State or local agency, or with Federal or State court? | [ ] Yes | [ ] No |
| If yes, check all that apply:[ ]  Federal Agency [ ]  Federal Court[ ]  State Agency [ ]  State Court [ ]  Local Agency |
| Please provide contact information at the agency/court where the complaint was filed. |
| Name: | Title: |
| Agency: | Phone: |
| Address: |

You may attach any written materials or other information that you think is relevant to your complaint.

Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Please submit this form in person or mail this form to the address below:

City of Pendleton

ATTN: Human Resource Department

500 SW Dorion Ave.

Pendleton, OR 97801